

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



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June 1, 1984

TO: RERMV COMMISSION MEMBERS

Dear

The date for the first meeting of the RERMV Commission has been set for June 18 at 2:00 p.m. at the Hyatt Hotel at the Los Angeles Airport, 6225 W. Century Blvd., Ballroom A-B. A shuttle bus from the airport to the hotel is available every ten minutes. Attached is a copy of the tentative agenda for the meeting.

Judge Alice Lytle, Chairperson of Governor Brown's Task Force on Civil Rights has been asked to give a brief overview of the Task Force Study - its goals and recommendations.

You should be prepared to discuss what your specific concerns are -- where you see this Commission going - what direction it should take - and what your hopes are for the Commission to accomplish.

Marian Johnston, Civil Rights Enforcement Section, will give a brief overview of that units responsibilities and current issues. In addition, James Rasmussen, Chief, Bureau of Criminal Statistics and Special Services will present an overview of the Division of Law Enforcement's Uniform Crime Reporting System.


Enclosed is information material on AB 848 and the National Gay Task Force which Commissioner Coleman has asked be sent to you before the meeting, as well as some other background material. Also enclosed is a revised member list.

For those of you unable to attend this first meeting, please drop me or Msgr. Barry a note before the meeting, so we may have the benefit of your thoughts and ideas.

I look forward to meeting with you on the 18th.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General


MARTY MERCADO
Chief, Community and Consumer Affairs

MM:dah

Enclosures

CC: Osias G. Goren
Commissioner, FEHC

Steven C. Owyang
Executive and Legal Affairs, Secretary, FEHC

James Rasmussen, Chief
DLE - BCSS

J. Van de Kamp
Andrea Ordin
Carole Kornblum
Marian Johnston
Jim Ching
Nelson Kempsey

JOHN K. VAN DE KAMP
Attorney General

Marty's Copy
State of California
DEPARTMENT OF JUSTICE



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June 8, 1984

THE CHAIRMAN AND THE MEMBERS OF THE
ATTORNEY GENERAL'S COMMISSION ON
RACIAL, ETHNIC, RELIGIOUS AND MINORITY
VIOLENCE

Enclosed is the following material for the June 18th
meeting:

- I Summary of Current Law regarding RERMV
- II Relevant studies on RERMV
- III Summary of Legislation dealing with RERMV

A no-host get acquainted luncheon has been arranged for
11:30 a.m. at the Hyatt Hotel - main dining room. Dolores
Hernandez has contacted you regarding your attendance. If
your plans should change, please let us know.

If you have any questions, please call me.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Marty Mercado

Marty Mercado
Chief, Community and Consumer Affairs

MM:dah

Enclosures

cc: John K. Van de Kamp
cc: *OSTAS GOREN, FEEL COM.*
bcc: Nelson Kempsey
Roger Carrick
Andrea Sheridan Ordin
Carole Kornblum
Marian Johnston
Jim Ching
FILE
BARBARA Johnson



MINUTES
ATTORNEY GENERAL'S
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS
AND MINORITY VIOLENCE

Meeting - June 18, 1984

First

The Meeting of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence was called to order by Attorney General John Van de Kamp, at approximately 2:00 p.m., June 18, 1984, at the Hyatt Hotel, Los Angeles Airport.

Commissioners Present:

Msgr. William Barry, Chairman
Irma Castro
Thomas F. Coleman
Vincent Harvier
Rev. Will L. Herzfeld
John Huerta, representing
Joaquin Avila
Janety Levy
Hon. Alice Lytle
John W. Mack
Leticia Quezada
Hon. Armando O. Rodriguez
Dr. Hazel Russell
John J. Saito
Diane C. Yu

Commissioners Absent:

Joaquin Avila
Richard Chavez
David Kassoy

Special Liaison Representatives:

Osias R. Goren, Fair Employment and Housing Commission and special representative to the RERMV Commission was represented at the meeting by Steven C. Owyang, Executive and Legal Affairs Secretary for Fair Employment and Housing Commission

Attorney General John Van de Kamp welcomed the members and stated that one of the factors that brings us together is the Report in 1982 by Governor Brown's Task Force on Civil Rights, chaired by Judge Alice Lytle, which cited 469 incidents which reflected racial, ethnic, and religious violence in the state between 1979 and 1982. The Task Force concluded that racial, ethnic, and religious violence is a pervasive fact of life in many California communities. Similarly, there have been other studies: one was an analysis by the Department of Justice of similar incidents reported to law enforcement agencies in Fresno County, San Jose, and Oakland during a 90-day period in 1983 which cited 22 incidents involving possible discriminatory motives; and a 1983 report of the Anti-Defamation League of B'nai B'rith which identified California as the number two state in the nation in the number of anti-semitic incidents.

Attorney General Van de Kamp stated that one of the reasons for creation of this Commission is the Vincent Chinn case in Detroit. He stated that Commissioner Yu had brought to his attention the tremendous concerns that death raised in the Asian communities throughout the U.S.

Attorney General Van de Kamp stated that it is clear from these kinds of statistics and anecdotes that measures now in place to protect people from prejudice and bigotry are simply not doing the job they were supposed to do, and that we have to do more to make sure these kinds of crimes are prevented and deterred. It is to that purpose that he has created this Commission.

He indicated he has asked this Commission to consider the problems of Indians, gay people, disabled and elderly because each one of these groups in our society suffers its own problem - its own prejudice - its own type of violence.

Mr. Van de Kamp told the Commissioners they were selected not only because of their personal bona fides, but also because of their ties to organizations where anecdotal and statistical evidence is available which he hoped they will feed into this commission as well as any ideas they might have about improving the climate in California as a place where harmony has to exist; for example, suggestions for legislation and additional programmatic ideas we might be able to put in place. He stated this is a consciousness-raising exercise that will, over a long period of time, address many of the kinds of concerns that go up one day and down the next, but are still there in some form or another five years down the line.

He expressed his appreciation to the Commissioners for their presence and their agreement to serve on this commission.

Introduction of Members and Staff

Attorney General Van de Kamp introduced the members of the Commission and noted their affiliations.

He introduced members of staff present as follows:

Marty Mercado, Chief of the Office of Community and Consumer Affairs, and Coordinator for Commission activities. He noted she would be the point person for the Commission.

Jim Ching - Deputy Attorney General - assigned as legal counsel for the Commission

Marian Johnston - Civil Rights Enforcement Section

Quint Hegner - Bureau of Criminal Statistics/Division of Law Enforcement

Dolores Hernandez - Secretary

Ruth Rushen - Special Assistant, Los Angeles Office

Rudy De Leon - Special Liaison for Hispanic and Law Enforcement Affairs, Los Angeles Office

Barbara Johnson - Special Assistant Attorney General, Los Angeles

Ollie Milligan - Affirmative Action Officer, DOJ

Louis Verdugo - Deputy Attorney General, Civil Rights Enforcement Section, Los Angeles

Peter Quon - Deputy Attorney General, and Community Liaison Representative, San Diego

Duane Peterson - Press, Los Angeles Office

Marlene Morales - Student Assistant, Los Angeles Office

He noted that Joaquin Avila, President and General Counsel of MALDEF was out of the country and not present, but had agreed to serve, and was represented at the meeting by his colleague, John Huerta.

He introduced Msgr. William J. Barry, President of the Interreligious Council of Southern California and the Los Angeles County Human Relations Commission, who at the Attorney General's request agreed to serve as the chairman of the Commission.

Attorney General Van de Kamp noted that we might want to expand the members of this commission. He indicated there may be groups, particularly the IndoChinese who have had very relevant current problems for whom we may want to find a member who has organizational ties to that community. He suggested the Commission may want to consider this, and he would be open on that.

Oath of Allegiance

The Oath of Allegiance was administered to the members of the Commission by Attorney General John Van de Kamp.

Members Presentations

In order to get to know each other better, Msgr. William Barry asked the members to introduce themselves, and to tell the commission what their background is, why they feel it is important to serve on the commission, and what they expect the commission to accomplish. The Commissioners' statements follow. They have been condensed for purposes of reporting.

Msgr. Barry stated that for himself, he would hope to see, not only reviving the effectiveness of the Brown Task Force labor and efforts, but the beginning of a consciousness-raising opportunity by the group; not necessarily to start a new study, but to validate the work that has been done which is so good, to give it credibility, and then to see where we might go from here in the efforts of reducing racial violence.

John Huerta: The question of violence in minority communities is an area in which MALDEF has been active over a long period of time. We have had several major projects in this area, especially the area of police brutality - police community relations - but we've been active in other areas as well.

Irma Castro: My work over the past 15 years has been centered around Chicanos, particularly civil rights, around San Diego. I find that San Diego is totally ignored by the State of California.

There are some very severe things happening in terms of violence in that community. Imperial and San Diego Counties have had quite a rise in violence, particularly against undocumented workers. People many times are not aware of that.

There have been 150 cases of complaints filed against one police department in the past few years in San Diego County and no one seems to care. Part of what I do is to try to look at how some things can be resolved, by working directly with police departments and institutions, and also in increasing community awareness.

There is a tendency in this state to want to ignore racial and ethnic minorities.

Tom Coleman: Most lesbians and gay men do not feel free to disclose themselves to their family, friends, communities, employers, etc. California fortunately provides more of an opportunity for that than many other places in this country. But even in California there are many problems that we face.

I was fortunate enough to serve as executive director of the Governor's Commission on Personal Privacy, which looked into discrimination on the basis of sexual orientation within the larger context of personal privacy of every individual. As a part of that study, we held public hearings and issued a final report, a significant portion of which deals with violence against lesbians and gay men. I hope at some point I will be able to share, at least that section of the report, with you, if not the entire report, so you can see for yourself the culmination of a lot of the work that has been done to have a document that symbolizes not all of the problems suffered by gay people, but a significant portion of those, within a framework of legal analysis and practical approach to solving some of the problems.

Violence was listed as the first major problem discussed by the commission's report in terms of manifestations of discrimination and what we see as a historic pattern - an ongoing pattern of virtual genocide through the ages, of trying to snuff out this problem.

What I would like to see out of this commission, for the lesbian and gay communities of California, is the opportunity to work within a larger framework - coalition building. The only way we will achieve our goals is by integration and by working together with others. This particular issue is one that is very dissimilar from the AB 1 issue or some of the other issues that gay people face. Hopefully this will be an opportunity for the gay community to work together for cohesive goals that will not have the type of divisiveness and backlash and partisan politics attached to it that other goals, such as AB 1 have.

Vincent Harvier: I've had a major concern for a number of years in the area of trying to create some kind of understanding between our people and the rest of humanity. There is a problem and at times it tends to get very heated because of the misunderstandings that other people have about Indians. My purpose, and what I see myself doing here, is trying to establish some kind of working relationship with the people of the State of California and the tribes in the State of California. That to me is a real monumental task because of the fact that Indian people themselves are ignorant of the law and what the law covers. From that stems a lot of violence. There is a lot of resentment in the Indian people, and the other people - their neighbors, simply because of the misunderstanding they have.

We represent 62 different tribes in the State of California and I see this Commission as a tool to utilize to help the Indian people understand where people are coming from as residents of this state, who are under the same laws that govern Indian people on the reservations.

Rev. Will Herzfeld: I believe there must be dialogue, and finally action against those dimensions which we feel we can logically describe as being evil: racism - sexism - militarism - ageism - social or national imperialism.

Janet Levy: I feel that the greatest handicap that people of any country face has been aging - the attitude about growing older has been so negative. As victims of fraud, exploitation, violent crimes, the older person has probably suffered more than any because they have been so silent about this suffering.

According to reports from the Conference on Aging - there are over 2½ million older persons who have been victimized - and we feel this figure is very low. A Lou Harris study indicates 1 out of every 4 people in this nation have been victimized in one way or another.

Attorney General Van de Kamp stated that other groups had produced reports at the end of a long survey. He indicated that he hoped the group would not wait for a long period of time to come up with ideas. He stated that if they have recommendations they not wait, to bring them forth so that something can be done.

Judge Alice Lytle: Judge Lytle relayed some of her childhood experiences and stated that her father was a guiding force in her life in standing up for equal rights.

John Mack: All of us know that violence is a major, major problem in our society.

I'm happy that this type of commission has been put together by the Attorney General and that, hopefully, we will be able to set forth some goals and objectives that are doable, working together we can certainly cut across and transcend these problems as they affect and impact all of our communities, realizing the problem is a very serious problem throughout the State of California and certainly goes beyond all racial, religious, ethnic and other kinds of lines.

Judge Armando Rodriguez: Sitting on the bench we see experiences, about what comes through the courtroom, and we become aware that there is a lot of work to be done. Serving on a committee like this certainly opens ones eyes to the problems that are not necessarily in one's back yard, but unfortunately they exist throughout our state and our nation.

My heart goes out to those people who find themselves in a country with different customs and cultures.

We look upon them as suspect individuals and they pay a very heavy toll. I've been active in the sister city program - I believe in it. On a one to one basis, no matter what your customs or habits are or culture may be, if you meet a person one to one those things seem to disappear. I will certainly do my part on this commission, not to do another study and put it on the shelf, but to do something meaningful.

Leticia Quezada: To me a lot of the problems that result come from the immigrant experience.

One of the issues that affects my community, when we talk about racial violence, is the issue of language - not only creating misunderstanding which creates situations for violence, but also creating a gap of information to the community and what their rights are. The organization I belong to, Comision Femenil, is particularly concerned with events that happen to women - not only the Hispanic population as a whole, but the half that is female - particularly when we talk about situations with the border patrol where women become not only racial objects of discrimination, but also become a sexual object of discrimination. We've heard of cases where women are raped by border patrol officers.

The particular kind of discrimination that I am concerned with is a psychological one. I think the physical pain we experience we can always put aside - we can suffer through it and come out on the other side okay - but what we do not survive is the psychological violence that happens in those situations.

I think that many Americans feel that everything is okay now - we went through the Civil Rights movement and this is 1984, the age of technology and information. So sometimes the American public would say that there is no problem with

ethnic, racial or religious or age discrimination, but we hear of countless personal experiences that that is not the case. A lot of it, to me comes from a psychological attitude - that some people are better than others. I would like to do something on this Commission to erase that impression. I would hope we could come up with something that the person on the street could feel. If we come up with some policies that do not filter down to the person in the community or the neighborhood, then I don't know if we will have accomplished our goal. I would like to at the end of this commission be able to say we did these things that touched communities in Los Angeles, in San Diego, in Coachella; that I can say I did something, I was part of a group of people that really touched people's lives at the every day level.

Dr. Hazel Russell: Somehow being a teacher, I feel responsible for a lot of things. I was born and raised in Texas, to tell the truth, I did not know what discrimination and bigotry were until I came to California. In Texas they were out in the open about it. I did not know there was a restriction covenant in Idlewild - only blacks who were in a servant capacity could stay in a public place in Idlewild.

I know from personal experience that black children and Mexican American children are discriminated against in public schools. I know that public schools and public school teachers could do more to get rid of racism in this country if they wanted to do that. The public school system does more to perpetuate racism than any other institution - even the police.

I am here because I feel that this kind of commission is needed. It's needed to raise the consciousness of people - that when they stand up and pledge allegiance to the flag of the U.S. we should not just be mouthing the words - that we should think about what we are saying, that we are all in this country together, and that where one is discriminated against or one is not treated fairly is just digging ditches for all of us.

When we think about how much it costs to keep one person in our penal institutions - we pay for our bigotry and our hatred.

John Saito: Mr. Saito indicated he thought it was a good idea to expand Commission membership to include a representative of the IndoChinese community. He said that second-generation Asian Americans could not really speak for the newly arrived immigrants and what their particular problems are. He said that although they are sensitive to the problems they are facing, some of the dimensions of those problems might be missed without actual testimony from those affected.

Attorney General Van de Kamp acknowledged Steve Owyang, Executive Director of the Fair Employment and Housing Commission. He introduced Deputy Attorney General Peter Quon from the San Diego Office, who also serves as a department liaison with the Asian community.

Attorney General Van de Kamp stated that he welcomed the Commission recommendations with respect to additional members. He cautioned that the number of people on the commission should be kept to a workable number. He said, however, that it is important to have representation and input from communities that may not be represented, and that they should have the opportunity to appear before the Commission.

Before leaving, Attorney General Van de Kamp, said he wanted to leave the Commission with two thoughts: One, that the Commission is an independent body, and if they felt they had to be critical of the department or of other agencies - so be it. He stated they had been appointed to represent their own agencies and themselves, and he was looking to them to provide information and their best judgment to make their recommendations to state government.

Secondly, that as far as his attendance at future meetings is concerned, he would hope to be able to drop in from time to time, and perhaps schedule periodic meetings with the commission to see how things are going, but felt the Commission would feel less restrained without his presence at all of the meetings.

Diane Yu arrived at this point and was asked to give her background statement.

She stated that one of the issues that the Asian American Bar Association felt needed some response from the criminal justice system last year was the Vincent Chinn case. They asked Attorney General Van de Kamp to address their group about what the criminal justice system could or might do to help ease the tension and perhaps curb some of these violent incidents against the Asian communities. The result was creation of the RERMV Commission by Attorney General Van de Kamp to address this problem and to look for legislative and other types of solutions or remedies that might ameliorate the situation.

Commissioner Yu indicated she felt her job was to derive information from different elements of the Asian community and the minority bar community, the two groups with which she is most heavily involved, and be a liaison between those groups and the commission. She said she felt a lot of this commission's work is in the communication, education and legislative areas.

Attorney General Van de Kamp stated he was very pleased with the attendnace at the meeting and left the meeting at this point.

Msgr. Barry idicated that as a start of an action outline, some suggestions had been put forth for possible sub-committee consideration. He said that the worksheet handed out was not intended to be at all firm, but the topics listed were only suggestions and asked members to review these and welcomed their input.

Msgr. Barry stated that Commissioner Yu's suggestions about the three areas in which the commission should develop its work - education, communication and legislation, might be considered for the subcommittee structure. He said he felt it was imperative that the commission begin to set some goals and direction before the end of the meeting, and suggested this be discussed after Judge Lytle's presentation.

Overview of Brown Task Force Study - Judge Alice Lytle

Judge Alice Lytle gave a summary of Governor Brown's 1982 Task force Study on Civil Rights which she chaired. Judge Lytle idicated that the genesis of the Task Force was caused by a perception by her in 1977, when she was chief of the Division of Fair Employment and Housing, that, based on newspaper reports, there appeared to be an increase in racial, ethnic, and religious violence. In a perusal of the laws and regulations governing the Fair Employment and Housing Agency she discovered the agency did have some jurisdiction in the area of racial, ethnic, and religious violence. However, this jurisdiction had apparently never been utilized by the agency.

An investigator was assigned to write a report on whether incidents of racial violence were indeed increasing. The investigator's report indicated that while there was no proper baseline to from a "scientific study" it did appear that between the years 1977 and 1979 many communities, particularly the Los Angeles community, were experiencing an alarming increase in incidents of this type of violence.

It became clear that the Division as it was presently staffed and funded could not hope to begin to even address the problems of that type of violence. It also appeared that notwithstanding the fact that there did seem to be a bit more usable data about what was happening in this area, there was not enough known about the problems to begin to create a bureaucratic solution.

The state was divided into three large areas: north, central, and south, which left out large groups of people and large geographic areas. However, given the funding available that was the absolute best that could be done. Most of the funding for the Task Force study came from LEAA.

Judge Lytle indicated that one of the problems the Task Force faced was the criticism that, although they tried to get as much participation as possible in notifying people about the public hearings, the public was not getting the information. She indicated there was no way they could disseminate the information about the public hearings fast enough to notify all the individuals interested in attending the hearings. The information gathered for the study was anecdotal. The historical and newspaper search was supplemented with information received at the public hearings. It was very difficult to come up with the kind of historical statistical training that one would really need to have to paint a precise picture of this problem. But the information they were able to gather was sufficient to indicate that the State of California has a problem in the area of racial, ethnic, and religious violence, and that the only real difference is that in some decades more emphasis was given to one particular group over another.

The Task Force saw problems in our institution's failure to come to grips with the problem of racial violence. For example, in one incident, where an east bay school was being torn by racial violence among students, when offered the assistance of the Department of Justice mediation service, said "we don't have a problem," and the police the week before had had to literally shut down the campus. In community after community the Task Force found that kind of refusal to recognize that there was a problem and a lack of willingness to deal with it.

Judge Lytle pointed out that there was concern in the communities that the Task Force would be gathering information to write a report and that the report would be put on a shelf and nothing would be done about it, and in a sense, that is what happened. She stated that it is of critical importance that this commission not go into communities and leave itself open to this kind of criticism.

Judge Lytle indicated the recommendations of the Governor's Task Force on Civil Rights are a good starting point for the Commission to begin to develop its own goals and recommendations. None of the recommendations have borne any fruit with the exception of the Attorney General's creation of this commission.

She suggested that one goal should be that the Commission focus very narrowly on identification of possible situations that may serve as the basis for the use of one of the Attorney General's statutory powers. For example, under the Ralph Civil Rights Act, the Attorney General has some authority and power in this area. It might be a good idea for the Commission to look for Ralph Civil Rights Act situations that the Attorney General and his staff can work on, and to look for some other factual situations that might be a vehicle for the utilization of the Attorney General's power in some other area.

Judge Lytle stated that it is critical that when the Commission goes into a community for the purpose of information gathering, that it also look at identifying situations that can be met by some statutory constitutional power of the Attorney General. It would have significance not only for whatever individuals were involved, but would have the added significance of raising the consciousness level of some of the people with respect to what the California Attorney General's Office can do in this area. She stated that we need to begin the task of creating legal precedents for the use of some of those powers.

Judge Lytle also recommended that the Commission examine some of the more potentially useful Attorney General powers and perhaps suggest legislation to amend them in such a way that they become far more useful than they presently are.

In response to Commissioner Yu's question, Judge Lytle indicated that generally the people who worked on the Task Force felt that they had done a good, useful and worthwhile job, but they also know that they had only scratched the surface. They were also concerned that they had raised expectations about what could be done. She indicated she was particularly gratified by the kind of cooperation and assistance the Task Force got from the law enforcement community and by some of the help they got from the law enforcement committee, some of whom not only agreed that the police should be developing a reporting system, but felt that it wasn't impossible and could be done.

Thomas Coleman indicated that he had spoken to a member of the Los Angeles County Human Relations Commission who indicated he had experienced a level of frustration to a certain extent about the inability, due to lack of funds, in-kind resources, etc., due to the large agenda of the Task Force, to deal with violence against lesbians and gay men, who asked if this would basically be a repeat of that. Commissioner Coleman stated that he understood that you can't do all things for all people and you have to narrow your focus or you will never accomplish anything; so he understood the

inability of the Task Force to address the violence against lesbians and gay men on the same par as racial, ethnic, and religious violence. Commissioner Coleman stated that in this case the jurisdiction of this body has been expanded to include age and sexual orientation as well.

Commissioner Coleman also pointed out that while the Task Force Report indicated the fact that the group was not able to deal with this issue, did not mean that it was less deserving of attention than racial, ethnic, and religious violence; it was just a lack of resources.

Department of Justice Civil Rights Enforcement Section -
Marian Johnston

Marian Johnston pointed out that one of the recommendations of the Governor's Task Force was that there be an entity within the Attorney General's office devoted to investigating the violation of civil rights, and she was pleased to report that there is now a civil rights enforcement section in the Department of Justice. She presented an overview of the responsibilities of the Attorney General and the Civil Rights Enforcement Section.

Ms. Johnston pointed out that Jim Ching, Deputy Attorney General assigned to work with the Commission was from the Civil Rights Enforcement Section, and was the deputy who worked on the Korematsu case and convinced Mr. Van de Kamp that the Attorney General's Office should get involved in that case. She introduced Louis Verdugo the newest member of the section. She stated there is a half-time person in San Francisco and another half-time person working in Los Angeles.

Ms. Johnston stated that the Attorney General does have a wide range of authority in dealing with civil rights. She indicated that Mr. Ching had provided the members with a summary of statutes and laws involved. She pointed out that the Attorney General is the chief law enforcement officer of the state and is responsible for seeing that the laws of the state are uniformly and adequately enforced. The Attorney General represents the state in all criminal matters before the California Supreme Court and courts of appeal, and provides legal counsel and representation to state agencies, officials and the people of California in matters pertaining to the civil law code.

Ms. Johnston stated that, generally, on any matter affecting people protection, we hope the Attorney General can get involved. Civil Code Section 51.7, the Ralph Civil Rights Act, particularly talks about discrimination. She noted that in the 6 or 7 years that law has been on the books there has never been a case reported under this section.

One of the things the Attorney General can do is to recommend legislation. The Attorney General also has the power to issue opinions.

Irma Castro suggested that an outline of all the powers of the Attorney General would be helpful for the Commissioners. Diane Yu also requested a workchart of the Department of Justice.

Judge Lytle asked how feasible it would be to look for the perfect Ralph Civil Rights Act case as part of their function. Diane Yu stated that no one knows why these laws haven't been used, and suggested that the list of laws now on the books and the summary of legislation could be made available to various advocate civil rights groups.

Marian Johnston suggested that one of the ideas the Commission might want to think about is putting out a civil rights handbook - like the Women's Rights Handbook produced by the Attorney General's Office, which would be a complete handbook showing what the protections are.

Judge Lytle suggested that one of the powers the commission might want to investigate is the power over police training - to train the police how to handle these acts of violence. The way that police handle these incidents will have repercussions well beyond the original acts of violence that were motivated; we've got to reach a point where cross burning is not malicious mischief, it is an act of racial violence; it is not vandalism - it is an act of racial violence.

John Huerta stated that a real problem is that people don't know where to go - who has jurisdiction over the problem. There is much ignorance and confusion because of the overlapping responsibilities among government agencies. He indicated that if money is available, consideration should be given to establishing an "800" number that the public could call, and to which people could be referred.

Ms. Johnston pointed out that more cooperation between agencies is important to assist in referrals.

Commissioner Coleman said his concern with respect to the gay community is that a lot of violence against gay people primarily stems from homophobia, which is really fear caused by a lack of knowledge, etc., and we need to deal with those instances. But, to get more to the root of it, to get into educational institutions is very important, particularly elementary, junior high, and high schools, and start educating people.

He asked if the Civil Rights Enforcement Section had any outreach with the education system regarding civil rights education. Ms. Johnston responded that while they have been responsive to inquiries and/or referrals, this is not done on a regular basis. She indicated this might be a possibility, however.

Commissioner Irma Castro indicated that one of the problems they have is knowing where to go for information to refer people. San Diego does not have a county human relations commission. This is the kind of information that is needed, indicating agencies which have jurisdiction over this problem. Ms. Johnston said that it was interesting to note, based on the reaction of members of the commission, that there appeared to be a lack of knowledge about the kinds of laws on the books dealing with this problem - and not that the laws were not there.

She stated that there had been a great deal of community response to the Women's Rights Handbook, and that there appeared to be the same need for information in the area of civil rights.

Judge Lytle suggested that a publication that is useable and understandable by the lay public is needed, but that we needed to make sure that that publication, or one like it, gets into the hands of district attorneys and police officers.

Msgr. Barry said that he understood that the Attorney General had requested the Governor to assign a liaison from the Department of Fair Employment and Housing, but that he had declined.

Steve Owyang, pointed out that he is from the Fair Employment and Housing Commission, and not the Department, noting that they are two sister agencies, but each independent. He stated that many of the recommendations of the Governor's Task Force deal directly with the Department and the Commission. He indicated he thinks it is important that the Department be represented because a large part of the non-criminal enforcement of civil rights has to do with the Department of Fair Employment and Housing. He indicated that one thing the Commission could do is to encourage their sister agency to be represented, and suggested that the RERMV Commission might want to do the same.

Msgr. Barry said it might be appropriate for the Commission to ask the Department to assign a liaison so that we would have the benefit of their input, and if the members agreed he would do so.

Commissioner Yu indicated that we might want to make a list of agencies whose work necessarily relates to the work of the RERMV Commission and notify them of meetings, etc. Ms. Mercado stated that a list of interested persons had already been started, and that the Department of Fair Employment and Housing is included to receive meeting information, etc.

Commissioner Coleman stated it might also be appropriate to ask the Department of Education to assign someone to work with the Commission, and we might want to consider making that request.

Presentation on Uniform Crime Reporting System - Quint Hegner
Division of Law Enforcement, Bureau of Criminal Statistics

Quint Hegner, Bureau of Criminal Statistics, gave a presentation on Uniform Crime Reporting (UCR) procedures used by law enforcement to report crime and arrest information. Mr. Hegner stressed that UCR is a national program that cannot be easily amended, and that data reported in the system is well defined either by UCR program standards (for crime) or by state penal code definitions (for arrests). IF RERMV data were to be collected, it would have to be through a separate reporting system. Mr. Hegner also stressed that any statistical reporting system must have strictly defined and easily understood data elements. Collecting data on racial, ethnic, and religious violence will be difficult because of the problem of strictly defining a RERMV act and because motive is involved in these types of offenses and motive of the perpetrator is difficult to measure statistically.

Meeting Schedule

Msgr. Barry suggested discussion of a future meeting schedule. He stated that the mandate is that the commission meet at least four times a year. It appears that Monday is a good day for most members, and it was a question of which Monday - the second or third Monday in September, December, March and June.

Most of the members favored the second Monday with the exception of Dr. Russell who has classes on Mondays, Wednesdays, and Fridays, and suggested meeting on Tuesday.

One advantage to meeting on Monday, pointed out by Msgr. Barry, is that it would allow the opportunity to travel on Sunday if members wished.

After discussion, the second Monday, every third month, (September, December, March and June) appeared to be the best meeting date. September 10 was selected as the date of the next meeting, and the location selected was Sacramento.

Commissioner Castro raised a question as to whether the Attorney General has jurisdiction over grand juries. She expressed concern about a report issued by the San Diego Grand Jury which she felt was derogatory to people of color, and suggested it had implications in terms of community relations aspects and perhaps was something the Commission should look at.

She also asked if a computer updated summary of legislation was available.

Mr. Ching stated that although the Attorney General is the chief law enforcement officer of the state, and therefore, has supervisory powers over district attorneys, he does not exercise any supervisory control over grand juries.

He responded that a computer summary of legislation was available, and that the summary of legislation provided was prepared on those bills which we felt would be of particular interest.

Legislative Summary

Mr. Ching reviewed the summary of legislation which had been distributed to members, and highlighted some of the bills of particular interest, particularly SB 2080 (Watson) which the Department is supporting. (Legislative Summary Attached.)

Planning for next meeting:

Msgr. Barry asked that the members submit their input on suggested subcommittees and primary goals or direction of the Commission within one week, if possible. He stated that this would give us the advantage to review them, and come up with a suggested structure and direction for consensus before the next meeting. While there would be the opportunity to revise them if necessary at the next meeting, it would provide the basis for development of a tentative agenda. He stated that a legislative update would always be included on the agenda. Since we will be meeting in Sacramento, he indicated he would request the Sacramento County Human Relations Commission to make a presentation on their recent hearings.

Commissioner Coleman stated he had prepared two proposed resolutions for the Commission's consideration: 1) that the RERMV Commission recommend passage of AB 848 which would expand the Ralph Civil Rights Act by adding age, disability and sexual orientation; and recommends that the Attorney General contact each member of the State Senate to urge passage of AB 848 and urge the Governor to sign the bill; and 2) that the RERMV Commission urge the U.S. Civil Rights Commission to initiate a study on violence against individuals on account of their sexual orientation.

He indicated that the second resolution could be taken up at the next meeting. However, he wanted to express his concerns about the lack of assurance of the passage of AB 848. He stated the bill would be brought up for a vote before the next meeting of the Commission, and therefore, wanted to urge that the Attorney General be made aware that passage of this bill is not assured, particularly because of the sexual

orientation provision. Commissioner Coleman asked that the Chairman communicate this concern to the Attorney General, and further, that he was requesting that some special attention, such as a letter, or contact to each senator by the Attorney General to show his interest in this bill would be helpful at this time.

Commissioner Coleman also presented some revisions to the proposed statement of purpose for the members' consideration before the next meeting. Ms. Mercado indicated these would be mailed to the members since some had already left, and asked if there were other revisions that they be sent to her for incorporation into a revised statement before the next meeting.

Commissioner Yu suggested that the subcommittees be structured by functions such as, educational function - some members might be more interested in the function of reporting, information gathering and conducting hearings; legislation - to review current legislation and also draft new legislative remedies. She suggested three subcommittees be formed; education - to deal not only with education of the public, but of government agencies as well, including police and prosecutors; communication - which would include gathering information; and legislation.

Commissioner Coleman said he agreed with this concept because if the committees were structured by subject matter, the members would be divided rather than working together to learn about the different communities concerns.

Commissioner Yu said that if the Commission was to be a working commission, it should produce a product in each of these areas; e.g., publications, conduct hearings, promote some legislation.

Msgr. Barry said he welcomed input, and would compile the various suggestions before the next meeting in September. He thanked everyone for their input and adjourned the meeting at approximately 4:30 p.m.

#

THOMAS F. COLEMAN

ATTORNEY AND PERSONAL RIGHTS CONSULTANT

CENTER FOR PRIVACY RIGHTS EDUCATION AND ADVOCACY
POST OFFICE BOX 6383 • GLENDALE, CA 91205 • (213) 956-0468

May, 1984

Commissioners
Commission on Racial, Ethnic,
Religious and Minority Violence

Dear Fellow Commissioners:

As a member of the Commission, I would like to bring to your attention a bill which is awaiting a final vote in the state Senate before going on to the Governor for approval. The bill, AB 848, would add "age", "disability", and "sexual orientation" to the Ralph Civil Rights Act.

The California Commission on Personal Privacy, for which I was privileged to serve as executive director, recommended this amendment to the Ralph Act. I urge you and organizations you are affiliated with to actively support this bill. Of course, the "sexual orientation" part is the difficult part for many legislators to handle.

There is a significant amount of violence against lesbians and gay men because of their sexual orientation. As you know, deep rooted prejudice often contributes to overt violence or threats of violence. It must stop!

I have enclosed some information about the Bates bill. I have also enclosed information regarding violence against lesbians and gay men. I am in the process of gathering more documentation regarding this ugly manifestation of homophobia (hatred and fear of homosexuals). Sometime later this year I will submit a report and recommendations regarding anti-gay violence in California. In the meantime, I strongly urge you to let the members of the Senate know you and your organizations support AB 848.

Yours truly,



THOMAS F. COLEMAN

TASK FORCE REPORT

Vol. 11, No. 1

Newsletter of the National Gay Task Force — America's Largest Gay Civil Rights Organization

January/February 1984

Violence Project Documents 1,682 Anti-Gay/Lesbian Incidents

By Kevin Berrill and Judy Burns

During the first eight months of 1983, 1,682 incidents of harassment, threats, and attacks against lesbians and gay men were reported to the NGTF Violence Project. Documented by the NGTF Crisisline and twelve local violence projects across the country, these incidents will be included in NGTF's first annual audit of anti-gay/lesbian violence, scheduled for publication in early 1984.

To place this figure in some kind of perspective, the Anti-Defamation League of B'nai B'rith reported a total of 1422 incidents of anti-semitic vandalism and harassment nationwide for the entire year 1982. By contrast the NGTF figures represent anti-gay/lesbian violence in only 12 cities over a period of 8 months.

"These figures only begin to indicate the hor-

rifying scope of anti-gay/lesbian violence," said Kevin Berrill, NGTF Violence Project Director. "They represent a small fraction of the total number of incidents that actually occurred during this period. The great majority of lesbian and gay victims do not report attacks against them, and far too many still suffer the aftermath in silence and isolation."

During the period covered by the audit, the gay community was hit by the first wave of violence attributed to "AIDS backlash." According to San Francisco's Community United Against Violence (CUAV), fear and hatred associated with AIDS was a motivating factor in nearly 20% of all incidents reported there this year. The Dorian Group in Seattle also reported that gangs of youths seeking to beat up "plague-carrying faggots" were responsible for

22 brutal attacks this summer.

Northampton, in central Massachusetts, has suffered an outbreak of violence against its sizable lesbian community. According to Northampton's Gay and Lesbian Activists (GALA), over the past year lesbians were singled out for sexual assaults and other physical attacks; lesbian-identified establishments were vandalized, and hundreds of phone threats and other verbal harassment against lesbians were reported.

Of the incidents reported to NGTF thus far, 57% (965) were verbal harassment/intimidation, 28% (478) were physical assaults (including sexual assaults and attacks with weapons), and 1% (15) were homicides. Incidents of arson or vandalism against the property of lesbian/gay people made up 4% (59) of the reports, and

10% were other types of crimes not yet classified. Seven percent (119) of all incidents reported involved police harassment or brutality.

Local violence projects which supplied data for the NGTF audit are: Community United Against Violence, San Francisco; DataCall, Denver; Tampa (FL) Gay Hotline; Gays, Lesbians & Friends, Terre Haute; Watchline, Boston; the Mississippi Gay Alliance, Jackson; the New York City Gay/Lesbian Anti-Violence Project; the Gay Community Center Hotline, Pittsburgh; the Houston Gay Switchboard; The Dorian Group, Seattle; The United Crisisline, Madison, Wisconsin.

NGTF urges all victims of anti-gay/lesbian violence or harassment to make a report to their local violence projects (see Sept.-Oct. *Task Force Report* for listing), or to the toll-free NGTF Crisisline if there is no local violence project. Anyone who sees articles about incidents of homophobic violence is also encouraged to clip and send them to NGTF, since NGTF's complete 1983 audit will include incidents of violence reported in the press, as well as those documented by the Crisisline and local projects.

NGTF Testifies at Two Federal Violence Hearings

By Kevin Berrill

The National Gay Task Force played a key role in testimony about anti-gay/lesbian violence at two recent federal hearings. The first, held in Brooklyn, New York on November 28, concerned police misconduct and featured testimony from Kevin Berrill, NGTF Violence Project Director, and James Credle, of the New York City Chapter of Black and White Men Together (BWMT). At a second hearing held on December 2 in New York City, testimony prepared with the assistance of NGTF was delivered to the U.S. Attorney General's Task Force on Family Violence by Dr. Barbara Fox, Executive Director of the Institute for the Protection of Lesbian and Gay Youth (IPLGY), and member of the Board of Directors of the NGTF Fund for Human Dignity.

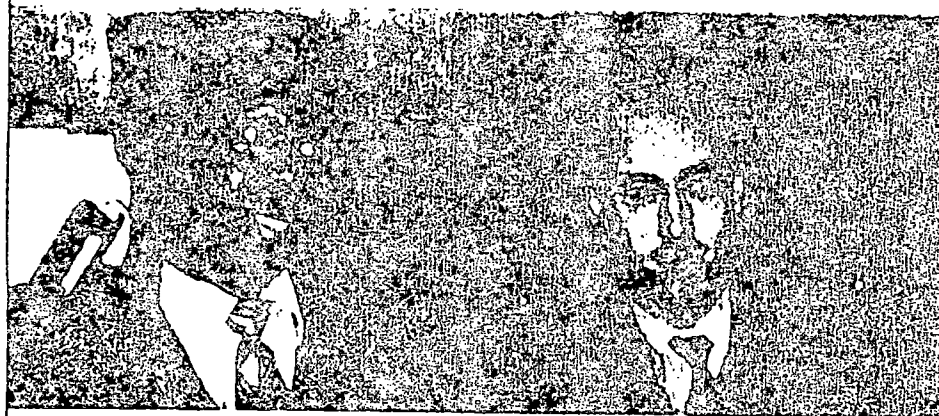
Speaking before the House of Representatives Criminal Justice Subcommittee, chaired by Rep. John Conyers (D-MI), Berrill cited numerous cases of police harassment and violence against lesbians and gay men nationwide. He observed that 7 percent of reports documented by the NGTF Violence Project concern police as perpetrators of physical assault, entrapment, verbal abuse, vandalism, unequal

enforcement of the law, and failure to respond to or follow up on reports of anti-gay/lesbian violence.

Berrill also submitted preliminary data from a violence survey conducted cooperatively by NGTF and eight local gay and lesbian organizations. "Of the nearly 2,100 gay men and lesbians surveyed, 23 percent of males and 13 percent of females indicated they had been verbally harassed, threatened with violence or physically attacked by the police because of their sexual orientation," he said. The NGTF Violence Survey results will be released early in 1984, and will be highlighted in the next *Task Force Report*.

These statistics should not be evaluated solely in terms of the individuals they represent. "Any act of police hostility," observed Berrill, "even an epithet, can serve to create a climate of mistrust and hostility which makes many gay and lesbian people much less likely to report anti-gay crimes. This in turn makes our entire community more vulnerable to crime, because criminals know we won't report incidents."

CONTINUED ON PAGE 6



James Credle (left) of Black and White Men Together, New York, and NGTF Violence Project Coordinator, Kevin Berrill, at Federal hearing on police misconduct held in Brooklyn, NY, on November 28.

HEARINGS

CONTINUED FROM PAGE 1

James Credle of BWMT, an assistant dean at Rutgers University, gave a detailed account of the September 1982 raid on Blue's, a New York City bar patronized primarily by gay men of color. Several patrons were severely beaten in that raid and an estimated \$30,000 in physical damages to property were reported. Although nearly fifteen months have passed since the incident, not one of the officers involved in the raid has been identified, and all the investigations into the attack have failed to produce a conclusive report.

Berrill submitted five recommendations to the Criminal Justice Subcommittee to remedy the problems of police abuse of gay men and lesbians: 1) an end to discrimination on the basis of sexual orientation, 2) mandatory gay and lesbian awareness training for police officers, 3) regularized contacts between local police departments and the gay/lesbian communities they serve, 4) independent civilian review of police practices, and 5) passage of federal legislation that guarantees the civil rights of all gay and lesbian people.

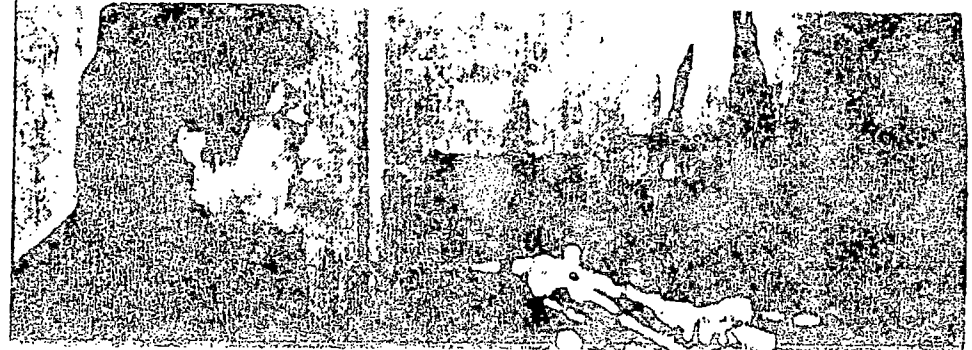
According to Congressman Conyers' office, the Criminal Justice Subcommittee will be conducting at least one more New York City hearing on police misconduct, and may hold hearings on other U.S. cities as well. NGTF will be monitoring those plans, and will work to ensure that the gay and lesbian community is represented in any and all future hearings.

Violence—not in the streets, but in the home—was the focus of hearings held by the U.S. Attorney General's Task Force on Family Violence; NGTF and IPLGY's concern at these hearings was to highlight violence against gay

and lesbian youths in their own homes. As NGTF Crisisline Coordinator Aubrey Wertheim observes, "some of the most distraught calls to the Crisisline have come from youths who have been battered by their parents or other relatives—simply for being gay or lesbian. Services for battered gay and lesbian youths and adults are practically non-existent, and it is vital that the Attorney General's Task Force be made aware of the problem and how to respond to it."

Dr. Barbara Fox testified on behalf of IPLGY and NGTF regarding anti-gay/lesbian violence within families. Her statement included statistics from an IPLGY study which indicated that 8 percent of gay male youths and 11 percent of lesbian youths "had need for emergency housing because of family reactions to their sexual orientation... The need for emergency housing was usually connected to reports of abuse." She emphasized that research, education, case management, and placement/shelters are needed to respond to the needs of gay and lesbian youths and adults who are victimized by parents or siblings.

Gay/lesbian testimony at these two federal hearings is particularly significant because federal and social service agencies have largely ignored the problems and needs of gay/lesbian victims of violence. Like NGTF's involvement in NOVA (see article page 000), our community's increased visibility at federal hearings will educate those who make and fund social service policy about anti-gay/lesbian violence, and will encourage them to address our community's needs.



AMENDED IN ASSEMBLY MAY 25, 1983
AMENDED IN ASSEMBLY APRIL 12, 1983

CALIFORNIA LEGISLATURE—1983—84 REGULAR SESSION

ASSEMBLY BILL

No. 848

Introduced by Assemblymen Bates, Willie Brown, and
Roos

February 23, 1983

An act to amend Section 51.7 of the Civil Code, relating to
civil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 848, as amended, Bates. Civil rights: sexual orientation.

Existing law provides that all persons within the jurisdiction
of this state have the right to be free from any violence, or
intimidation by threat of violence, committed against their
persons or property because of their race, color, religion,
ancestry, national origin, political affiliation, sex, or position in
a labor dispute.

This bill would provide, in addition, that all persons within
the jurisdiction of this state have the right to be free from any
violence, or intimidation by threat of violence, committed
against their persons or property because of their sexual
orientation, as defined, age, or disability.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51.7 of the Civil Code is
- 2 amended to read:
- 3 51.7. (a) All persons within the jurisdiction of this
- 4 state have the right to be free from any violence, or

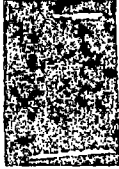
AB 848

— 2 —

- 1 intimidation by threat of violence, committed against
- 2 their persons or property because of their race, color,
- 3 religion, ancestry, national origin, political affiliation, sex,
- 4 sexual orientation, age, disability, or position in a labor
- 5 dispute.
- 6 (b) As used in this section, "sexual orientation" means
- 7 ~~an orientation toward other adults, of either sex, as sexual~~
- 8 ~~partners.~~ *heterosexuality, homosexuality, or bisexuality.*

O

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SENATE COMMITTEE ON JUDICIARY
Barry Keene, Chairman
1983-84 Regular Session

AB 848 (Bates)
As amended May 25
Civil Code
MRR

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B

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8

RALPH CIVIL RIGHTS ACT

HISTORY

Source: Constituent

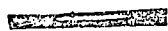
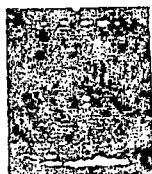
Prior Legislation: None

Support: California NOW; California Nurses Ass'n;
CSEA; National Gay Task Force; Jewish
Public Affairs Committee of
California; State Council on
Developmental Disabilities; Stone
Democratic Club; Committee on Human
Rights of the State Bar; Friends
Committee on Legislation

Opposition: No known

Assembly floor vote: Ayes 48 - Noes 25

(More)



KEY ISSUE

SHOULD GAY, AGED, AND DISABLED PEOPLE BE INCLUDED
IN THE FREEDOM-FROM-VIOLENCE PROVISION OF THE
RALPH CIVIL RIGHTS ACT?

PURPOSE

The Ralph Civil Rights Act declares the right of all Californians to be free from any violence or intimidation by threat of violence committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, or position in a labor dispute.

This bill would expand this list to include sexual orientation, age, and disability.

The purpose of this bill is to extend the protections of the Ralph Civil Rights Act to gay, elderly, and disabled people.

COMMENT

1. Ralph Civil Rights Act

Under the Ralph Civil Rights Act, anyone who participates in the denial of the right to be free from violence is liable for each offense for the actual damages resulting plus \$10,000.

This bill would grant this remedy to anyone whose right to be free from violence was violated because of her sexual orientation, age, or disability.

(More)

2. Commission on Personal Privacy report on violence

The California Commission on Personal Privacy has found evidence of widespread violence, both random and organized, against gays and their community institutions. The Commission also reports that the elderly and the disabled are often targets of violent attacks because they are "believed to be easy prey." Therefore, the Commission recommends that sexual orientation, age, and disability be added to the protected classifications under the Ralph Civil Rights Act.

3. Definition of "sexual orientation"

AB 848 would define sexual orientation as heterosexuality, homosexuality, or bisexuality.

This definition is also found in AB 1 (Agnos), which passed this Committee on July 12, and is now in Senate Finance. AB 1 would make discrimination on the basis of sexual orientation an unlawful employment practice.

4. May already be covered

The Unruh Civil Rights Act provides that all persons within the state are protected against discrimination committed by business establishments on the basis of sex, race, color, religion, ancestry, or national origin. Anyone who violates this provision is liable for up to three times the actual damages caused by each offense but in no case less than \$250.

(More)



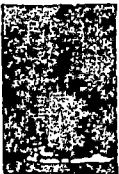


AB 848 (Bates)

Page 4

The Supreme Court has held that the specific types of discrimination set forth in the Act are meant to be "illustrative, rather than restrictive indications of the type of conduct condemned." [In re Cox (1970) 3 Cal.3d 205, 212.] In fact the Court has found that the Unruh Act protects the rights of gays to obtain service at bars and restaurants. [Stoumen v. Reilly (1951) 37 Cal.2d 713.]

It is quite possible that this interpretation would be applied to the Ralph Civil Rights Act. The source of AB 848, however, is concerned that no dispute arise that gay people, the elderly, and the disabled are protected from violence under the Act and that they are entitled to recover statutory damages for violation of their right to be free from violence.



Alien drowns while fleeing from Border Patrol

By Bill Lindelof
Bee Staff Writer

Another undocumented farm worker being chased by U.S. Border Patrol agents drowned in a Northern California waterway Thursday, this time despite use of lifesaving equipment.

The drowning on an apricot ranch near Winters prompted new criticism of the patrol's roundup tactics.

"Our agents did everything they could to convince the young man to come out of the water," said Harold Ezell, western regional commissioner of the Immigration and Naturalization Service.

He said agents threw the man a flotation device attached to a rope to try to pull him out of the water but that the farm worker refused to accept the lifeline.

Twelve illegal aliens have drowned in California waterways in the past 10 years, most of them in Northern California. The deaths have set off strong criticism of the Border Patrol by civil rights groups in Sacramento, Stockton and Modesto.

In the wake of the criticism following a drowning in January, the Border Patrol began carrying lifesaving equipment, which consists of a flotation device attached to a 75-foot rope.

But the policy change mandating that lifesaving equipment be carried is not enough, said Catholic Bishop Roger Mahoney, head of the six-county Stockton Archdiocese.

"I was pleased with the issuance of lifesaving equipment," Mahoney said. "But that was only part of my concern."

"My principal concern was for a change in the whole tactics with which they approach fields that are near or next to waterways. I am not aware of anything done yet to deal with that issue."

See DROWN, back page.

Drown

Continued from page A1

He said the Border Patrol might consider concentrating on farms not adjacent to streams, rivers and lakes. He said there are "infinite more acres of farmland not next to waterways."

"If they did have the type of equipment they are supposed to be carrying, then we have to take a look at the rest" of the problem, Mahoney said. He called the drowning "very tragic and unfortunate."

The drowning in Putah Creek Thursday occurred after five workers jumped into the creek. Three returned to shore at the urging of agents, and one was able to swim to the other side of the creek but was later apprehended, Ezell said.

Ezell said agents tried to persuade the victim, whose name was not immediately available, to return to shore. He said the man disappeared in the water after refusing to accept the rope tossed to him by agents. The body was later recovered by Yolo County search and rescue personnel.

Ezell said the man, believed to be in his 20s, may have been "encouraged" by the successful crossing of the creek by another farm worker and "decided to try it himself."

Two agents jumped into the river to locate the victim but were unsuccessful.

"The water was very cold and very deep," said a Yolo County sheriff's spokesman.

The exact location of the drowning was at Lake Solano, part of Putah Creek. The apricot orchard was on the Hemmingway Ranch near Highway 128 and County Road 86.

United Farm Workers Union leader Cesar Chavez, speaking in the Sacramento area, objected to the whole idea of agents coming onto farms.

"The Border Patrol does not have to go to the field to check someone out," he said. "They can go to their homes. This is terrible when they chase them out of the fields."

He said the drowning upset him.

"The raids are continuing, the drownings are continuing," he said.

Indochinese refugees, US society adjusting to each other

By Ann Reed
Bee Staff Writer

Indochinese refugees have become an integral fiber in the ethnic tapestry of California as they adjust to the culture, help each other and influence public policy, a panel of refugees said Tuesday.

The Indochinese forum at the State Library was part of a five-day series sponsored by the California Cultural Alliance. The series, which ends Saturday, examines various cultures in American society.

Nguyen Van Hanh said that although the United States was built on successive waves of immigration, Americans were unprepared for the abrupt influx of refugees at the end of the Vietnam War.

Many refugees came with language problems, lack of familiarity with Western culture, and unmarketable

skills in a tight job market.

Nguyen said society has begun to adapt to the presence of the Indochinese, who now work in many professions and whose children do well in California schools. The first wave of refugees — with a nine-year foothold in this society — are now turning their efforts to helping the less-fortunate newer arrivals, said Nguyen, president of Bach Viet, a self-help organization for Sacramento refugees.

Sacramento has the seventh-largest Indochinese population in California, with about 15,000 refugees, 12,000 of whom receive public assistance, said Viet Le, another speaker and vice president of the group. Le, a former assistant dean of education at Saigon University who fled during the boat people exodus in 1980, works with the Indochinese refugee assistance program in the Sacramento City Unified School District.

Le said 657,000 Indochinese refugees live in the United States — almost half in California.

The Sacramento area has about equal numbers each of Vietnamese, Vietnamese of Chinese descent and various Laotian peoples. There are only a few hundred Cambodians in Sacramento County, he said.

Le said nearly 100,000 Indochinese came to California after arriving elsewhere. Federal assistance money for those refugees stays in the state of original settlement, a policy he and other refugees are working to change.

Partly because federal money does not follow the refugees, California taxpayers spent \$122 million in refugee assistance last year and face a tax bill of \$183 million for 1985, Le said.

Le said refugees settle in California because they can adapt more easily here. He said the climate is similar to

Southeast Asia's, there is already a strong Asian influence, and it is a fluid society because most Californians are not natives. Another lure is the state's high-technology job market, which is attracting refugees from various educational backgrounds, and an education system that willingly takes refugee children and adults.

Refugees hope to change a policy that requires assistance to be terminated if a refugee works more than 100 hours a month — no matter how much is earned or how many people are supported by that wage, Le said.

Le said the refugee community is also concerned about the government's concentration of money for employment training at the expense of mental health and social service programs.

To make refugees self-sufficient as quickly as possible, they must learn language and culture as well as employment skills, he said.

Sacramento Union 5/9/84

Board spotlights abuse of elderly

By LAWRENCE C. IRBY
SACRAMENTO UNION STAFF WRITER

An estimated 1 million old people are slapped around or otherwise abused each year in this country, the Sacramento County Commission on Aging told the Board of Supervisors Tuesday.

Such incidents of abuse might be reported to authorities more readily under proposed state legislation, AB1923, backed by county supervisors Toby Johnson, Sandra Smoley and Bill Bryan's 3-0 vote

The crimes include sexual assaults, exploitation and neglect

Supervisors also supported the commission's request to increase funding from \$2.2 million to \$15 million under AB1923.

Supervisors OK'd the commission's plan to form a task force to examine the problems of abuse of the elderly and seek solutions.

Supervisors Illa Collin and Ted Sheedy — in Washington to lobby Capitol Hill — were absent.

Commissioners say mistreatment of old people includes psychological, monetary and physical abuse and — although specific data is shaky — they think the problem is mushrooming. More than 100 such incidents have been reported locally since January, said Bonney Keema, county Adult Protective Services Bureau chief.

Keema said 55 of these incidents involved people over age 65, and 50 included dependent adults 18 and over.

Last year, she said, the unit received about two reports of elder abuse a month.

The crimes include sexual assaults, exploitation and neglect, Keema said.

© Please see page B2, Col. 3

Supervisors spotlight abuse of the elderly

© From B1

AB1923 might provide local funding for reporting the abuse of old people to local adult protective services units throughout the state.

"Steps to prevent and treat elder abuse have been taken, but there is much to be done," says the board-backed resolution, advanced by commission Chairman Frank McPeak. "New approaches to this problem must be based on an accurate assessment of the scope and nature of the problem."

AB1923 was written by Assemblywoman Jean Moorhead, D-Citrus Heights.

Marta Zaragoza — an aide to Moorhead and a consultant to the Assembly Committee on Aging and Long-term Care, which Moorhead chairs — said the assemblywoman wants to earmark \$2.2 million to the counties.

Adult protective services units will determine the extent of the abuse, who is beating up old people and what can be done to prevent it. These units also will decide whether the police will be notified when a dependent adult, 18 or over, is abused, Zaragoza said.

San Francisco Chronicle
5-15-84

Racism, Force Alleged ✓

Oakland Cops Sued For \$4.8 Million

By Rob Haeseler and Charles Burress

Oakland police officers were accused in six lawsuits yesterday of discriminating against blacks and of using excessive force to make arrests.

The suits seek more than \$4.8 million in damages from the city of Oakland. They were filed in Alameda County Superior Court by Anna de Leon, an associate of attorney Oliver Jones, and other lawyers who won a \$3 million judgment against Richmond in federal court last year after making similar charges against Richmond police.

"In the past two years, there's been a steady upsurge of complaints coming to us of racial abuse and excessive force by police officers in Oakland," Jones said. "The problem is certainly as severe in certain areas of the city (as in Richmond)."

Jones said he is aware of "several dozens of incidents" involving police brutality in Oakland and has approximately 12 lawsuits pending against the city, including a wrongful death suit filed in behalf of Philip Bridges.

Bridges was fatally wounded by Oakland Police Sergeant Norman Healy on May 8, 1981, after a domestic quarrel. Police claim Bridges had attacked an officer with a hammer.

Sergeant David Krauss, spokesman for the Oakland Police Department, suggested that Jones' firm filed the suits yesterday in "an effort to improve their position ... relative to settling this (Bridges) case."

"If the law firm can plant in the minds of the public the idea that there is a pattern of police violence ... it might serve their interests in getting the city to settle this case," Krauss said. "Naturally, the Police Department denies that such a pattern exists."

Captain Robert Nichelini, who heads the internal affairs bureau of the Oakland Police Department, said the number of complaints by citizens involving officers using excessive force has declined.

In the first two months of this year, the department received 24 force-related complaints. There were 121 such complaints in 1983, 129 in 1982 and 126 in 1981. Nichelini said he did not know how many of the complaints were sustained by internal investigation.

Last year, two officers were fired and another was forced to resign because they had handled suspects too aggressively.

"In my opinion," Nichelini said, "if the citizens of Oakland ... had their druthers, they'd want us to do anything we can do — including violating people's constitutional rights — to get the streets cleaned up. But that's something we can't do. My sense is that our (community) support has never been stronger. All they want is more and more enforcement."

The Citizen's Complaint Board, a municipal agency in Oakland that

hears complaints against excessive force by Oakland officers, also reported a decline. In 1981, 125 complaints were received, and 109 were received in 1982 and 66 in 1983.

The board sustained 26 complaints for the three-year period that ended last year. In investigating the complaints sustained by the seven-member board, Deputy City Manager George Dini said he has not upheld a single ruling.

"To date, we have not sustained any of the board's findings," he said. "We didn't feel we have a preponderance of evidence to indicate the complaints were justified." Eighty-five percent of the complainants were black and 59 percent of the officers accused were white, said a report from the board.

One case filed yesterday is in behalf of Lawrence J. Walker, 33, a claims investigator for Oakland who resides in Berkeley. He is suing Sergeant James Washburn for allegedly arresting him without provocation.

Walker said in an interview that he was visiting a friend in Oakland last July 19 when a minor auto accident occurred that he thought he should check out.

Sergeant Washburn became "very belligerent" when the claims investigator approached him. "He looked at my ID (city employee identification card) and laughed," Walker said. He was handcuffed and booked. Walker said a booking officer "grabbed me and pushed me against a wall."

The claims investigator claimed he was arrested because he is black. "That's the only reason ... It was just a racist act totally. I was singled out because I am black. I was told to jump and I didn't jump."

Davis march mourns deaths of Asians, protests racism rise

By Gretchen Kell
Bee Staff Writer

DAVIS — Clutching glass jars with burning candles inside, about 80 people, most of them Asian-Americans, marched silently from the University of California, Davis, to the steps of City Hall Wednesday night.

The gathering, sponsored by several Asian campus groups, was organized in response to the deaths of three Asians in Davis during the past year.

Thong Hy Huynh, a 17-year-old Vietnamese refugee, was stabbed to death at Davis Senior High School on May 4, 1983. His classmate, James "Jay" Pierman, 17, is charged with murder and is awaiting trial.

Three months ago, Nai-Yan Li, a 49-year-old Chinese scholar at UCD, was struck and killed by a speeding motorist while walking home across a residential street.

A second stabbing death occurred just two weeks ago. The body of Tzieh-Tsai Luo, a 35-year-old Taiwanese student at UCD, was found on a walkway leading to his apartment. Davis police have no suspects.

Grief was not the only reason for the solemn candlelight gathering, which culminated in speeches by local church and community leaders.

"First, we want to mourn the loss of three Asians in 12 months," said Bob Matsueda, a member of the Asian Law Student Association at UCD. "But second, we want to show concern over the growing anti-Asian sentiment in Davis and in the nation."

Matsueda said it was the first time members of the Asian community in Davis, which numbers about 2,400, have come together.

The UCD law student said the group walked to City Hall, where the City Council was holding its regular Wednesday night meeting, "for symbolic reasons — that's the place where policies originate."

Kathy Doi, president of the Asian Law Student Association, said she hoped the City Council and local law enforcement agencies will recognize racism in the community.

See DAVIS, page B2



Bee/Erhardt Krause

A group of mostly Asian-Americans marches silently from the university to the City Hall in

Davis. Campus groups organized the event in response to deaths of three Asians.

Davis

Continued from page B1

"These are not isolated incidents," Doi said. "Many of my colleagues have had racial epithets thrown at them."

Most speakers said they do not link the three deaths, but pointed to a growing trend of violence against Asians in America.

"All these deaths can't be substantiated as racially motivated, but they do make Asians concerned for their own safety," said Pattie Fong, a member of the Coalition of Asians for Equal Rights in Sacramento.

"There is a national trend of increased violence against Asians," she told the crowd. "This crime can't be ignored. We must insist that government take action, use justice and promote multicultural awareness."

Several speakers shared emotional thoughts with the crowd, which lined a sidewalk leading to City Hall.

"What has happened here in Davis gives me great shame," said Rev. Russell Moy of the First Chinese Baptist Church of Sacramento. Moy, who was raised in the

acts of violence against Asians in America through his studies in college.

"I learned about the history of violence and the unjust laws passed to limit Asian immigration into this country," Moy said. "What's happened in Davis is the latest chapter."

"This is not always the land of the free and the home of the brave," he said, leading a prayer that asked God to bless and protect the spouses of Luo and Li, and to bring peace and justice to the community.

"During the last two or three years, we've been picking up on increased acts of violence against Asians and even killings — many in isolated places," said Floyd Shimomura, president of the National Japanese American Citizens League and a professor at King Hall School of Law at UCD.

"But all of a sudden we have killings in Davis — a rural, liberal, university town," he said. That hard-working Asian students are looked at by their classmates as stiff competition for grades and jobs may be the cause of

REPORT AND RECOMMENDATIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING COMMISSION

PUBLIC HEARING ON
RACIAL AND ETHNIC DISCRIMINATION
AND VIOLENCE IN NORTH SAN DIEGO COUNTY

HELD DECEMBER 9, 1983
BALDERRAMA COMMUNITY CENTER
OCEANSIDE, CALIFORNIA

GEORGE DEUKMEJIAN, Governor

CRUZ F. SANDOVAL*
Chairperson

C. L. DELLUMS
Commissioner

OSIAS GOREN
Commissioner

DALE MINAMI
Commissioner

JOHN A. MARTIN, JR.**
Commissioner

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Commissioner

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Commissioner

VIRGINIA SANCHEZ**
Commissioner

LOIS GRAHAM*
Commissioner

JOAN SPARKS*
Commissioner

STEVEN C. OWYANG
Executive and Legal Affairs Secretary
FAIR EMPLOYMENT AND HOUSING COMMISSION
1390 Market Street, Suite 410
San Francisco, CA 94102

Issued March 1, 1984

* Commissioners Sandoval, Graham and Sparks did not attend the December 9, 1983 hearing. They were appointed by the Governor to the Commission on February 2, 1984.

** Commissioners Martin, Sanchez and Saxod's terms expired on February 2, 1984.

A. Background; racial tension; lack of communication.

Findings

1. In general, black and Hispanic witnesses uniformly reported racial discrimination and racial tension in all areas of their lives - in obtaining employment and housing, in their jobs, in their interactions with police and city and county government and in every day harassment because of their race.

2. There is a lack of communication between the local North County governmental officials and the black and Hispanic communities to address these problems.

3. There are currently no Human Relations Commissions for any North County communities or San Diego County.

4. There is an underutilization by Hispanics of the complaint procedures of the Equal Employment Opportunity Commission (EEOC) and the Department of Fair Employment and Housing (DFEH).

Recommendations

1. This hearing reinforced the need for the recommendations of the Governor's Task Force on Civil Rights to be implemented. The Commission endorses these recommendations, a copy of which is attached. Where appropriate, the Commission has reiterated specific recommendations of the Task Force.

2. Commissions on Human Relations, as envisioned by Government Code Sections 50260 through 50265 are needed by San Diego County, the City of Oceanside as well as other San Diego County communities to provide forums and address problems facing minority communities. Care should be taken to insure that these commissions are representative of the communities they seek to serve and that the members are chosen after consultation and input from such organizations as the National Association for the Advancement of Colored People and the Chicano Federation. These commissions should be funded as set forth in Government Code section 50263 and should meet on a regular as opposed to an ad hoc basis.

Among the tasks of a Human Relations Commission should be:

- Serve as a clearinghouse for:

complaints of racial, ethnic and religious discrimination and/or violence.

coordinate a network of response mechanisms to reports of racial, ethnic and religious discrimination and/or violence.

coordinate technical assistance, mediation services and training in resolving situations of discrimination and/or violence.

coordinate the provision of educational services in the prevention of racial, ethnic and religious discrimination and/or violence.

develop recommendations to both governmental and private organizations to promote racial, ethnic and religious harmony.

coordinate speakers' bureau on causes and prevention of racial and religious discrimination and violence.

3. The DFEH and the EEOC should make every effort to insure that Hispanics are aware that their services exist and utilize them where necessary. This should include outreach to the Hispanic community, by Spanish speaking members of the DFEH and EEOC staff, and should utilize preexisting contacts between Hispanic staff members and the Hispanic community.

B. Incidents of Racial and Ethnic Discrimination and Violence in San Diego County

Findings

1. Black and Hispanic individuals have been discriminated against because of their race in their employment in both the private and public sectors.

2. Witnesses reported discrimination in employment because of their race by the City of Oceanside and by the Oceanside Police Department.

3. Witnesses called for an open housing policy in the City of Oceanside.

4. Blacks and Hispanics have been subjected to acts of racial violence and harassment including physical attacks, threats and assaults with motor vehicles.

5. Neighborhood and community support is crucial to the elimination of racial violence and harassment.

Recommendations

1. The Commission commends the City of Oceanside for recently passing an affirmative action plan for its employees. The City of Oceanside should make every effort to eradicate any discriminatory treatment to its employees because of their race and should ensure that promotions are made as a result strictly of merit rather than any other factor such as race. Citizens groups and a Human Relations Commission, if formed, should monitor the progress the city makes in compliance with the plan.

2. The Commission commends the City of Oceanside for its Fair Housing Program. The city should ensure that this program receives the widest possible publicity so that all Oceanside citizens are aware of its existence.

3. Individuals who feel that they have been discriminated against should file complaints with the Department of Fair Employment and Housing at (619) 237-4705.

4. Both public and private employers should take complaints of discrimination seriously, investigate and remedy problems where verified. Every effort should be made to affirmatively hire and promote minorities especially in management positions.

5. Neighbors and residents must work to change the moral climate of their communities to prohibit racial prejudice and end racial violence. Neighbors must immediately and visibly condemn racial violence when it occurs in their neighborhoods. Since this task is difficult if not impossible to do alone, citizens are encouraged to band together in community groups to accomplish these ends. We have given specific recommendations for community groups at pages 11 and 12 of this report.

6. The Fair Employment and Housing Commission reiterates the recommendations of the U.S. Commission on Civil Rights^{1/} that federal and state authorities should develop workable reporting systems that will produce an accurate and comprehensive measurement of the extent of criminal activity that is clearly based on racial and/or religious motivations. Uniform definitions, guidelines and procedures must be developed if the data are to be reliable, comparable and useful. Leadership for

^{1/} "Intimidation and Violence: Racial and Religious Bigotry in America", A Statement of the United States Commission on Civil Rights, January 1983, page 28.

the effort should be vested in the Federal Bureau of Investigation in connection with the uniform crime reporting system.

7. We also concur with the recommendation of the U.S. Commission on Civil Rights^{2/} that the Civil Rights Division of the U.S. Department of Justice should intensify its prosecution of racially and religiously motivated violence. We concur with the U.S. Commission on Civil Rights' opinion that too few cases are prosecuted under the adequate provisions of 18 U.S.C. section 245. The U.S. Department of Justice should treat such prosecutions as one of the most critical responsibilities of its Civil Rights Division.

8. Law enforcement authorities must be better prepared to investigate and prosecute perpetrators of racial violence and harassment. Victims must be assured that they will be protected by law enforcement and taken seriously when they file complaints. Law Enforcement authorities should keep a separate log of all complaints of racial intimidation and violence even if these complaints are not verified. These complaints should be made available to Human Relations Commissions, if established, or community groups on request.

9. As more fully discussed under the recommendations concerning schools, at pages 9 and 10, the school system must confront problems of racial and ethnic polarization among its students.

10. Community, neighborhood, business, labor, civil rights and religious organizations should actively work together to improve race relations by participation in and support of Human Relations Commissions and community councils.

C. The Ku Klux Klan

Findings

1. The Ku Klux Klan is present and active in San Diego County.

2. The Ku Klux Klan has actively recruited members in San Diego County.

3. The Ku Klux Klan symbols and methods have been involved in acts of racial violence and harassment in San Diego County.

^{2/} Ibid., p. 29.

Recommendations

1. The District Attorney, Sheriff's Department and local police departments must vigorously investigate and prosecute crimes in which Ku Klux Klan members or symbols are involved including violations of Penal Code section 11411.

2. The Commission urges the news media to take their coverage of Ku Klux Klan stories beyond the focus on the sensational. Accurate and analytical coverage serves to alert the public to the dangers of the Klan.

3. There are several organizations nationally which serve as clearinghouses for information on the Klan. Klanwatch, affiliated with the Southern Poverty Law Center, and the National Anti-Klan Network both gather and disseminate information about the Klan. Locally, the Heartland Human Relations Association has also served as a clearinghouse for information about the Klan. These organizations should be contacted about Klan activity in San Diego County or to obtain background information about the Klan.

4. The San Diego County Board of Supervisors, local city councils and school boards should publicly condemn Ku Klux Klan operations in the county.

5. School authorities including school boards, school administrators, principals and teachers should discourage Klan recruitment efforts and the dissemination of Klan literature on or near schools. School authorities are urged to include as part of their curriculum the educational materials developed by the National Education Association regarding the Klan.

6. The Commission urges citizens to utilize the provisions of California's Code of Civil Procedure section 527.7 which provides for obtaining an injunction against a group such as the Klan where the group is meeting to advocate and act in furtherance of unlawful force or violence against persons.

7. The Commission urges the California Legislature and recommends to the citizens of the State of California to urge their legislators to follow the model of the state of Idaho to increase the penalties for cross-burning to a felony.

8. Given the seriousness of the allegations of Klan activity in San Diego County raised by the testimony, both oral and documentary, submitted by Douglas Seymour, the Commission urges the United States Attorney to investigate, to bring the matter before the federal grand jury and thereafter to prosecute if appropriate. The Commission also urges the Federal Bureau of

Investigation, now preliminarily inquiring into Seymour's allegations, to obtain and secure for this investigation all documents regarding Klan activity in San Diego County prepared electronically or in written form and given to the San Diego Police Department by Seymour or by other S.D.P.D. officers.

D. Law Enforcement

Findings

1. Witnesses reported negative attitudes, unnecessary arrests and brutality by the Oceanside Police Department as well as selective police enforcement towards minorities by that department, the Escondido Police Department and the San Diego County Sheriff's Department.

2. Witnesses reported harassment by the police of minority-owned businesses and bars.

3. Witnesses complained that internal investigations by the police departments result in every case in sustaining the police departments' actions.

Recommendations

1. Law enforcement agencies must treat racially-motivated incidents seriously. Management must impress upon law enforcement personnel that racial violence and harassment cannot be dismissed as youthful pranks or vandalism.

2. Police reports on incidents of harassment, vandalism, assault, etc. must reflect racial motivation when it is present. The presence of Ku Klux Klan, Nazi, or other symbols of racial, ethnic, or religious motivation should be reflected in police reports. This would enable courts, prosecutors and civil rights enforcement agencies to assess and act upon such incidents more effectively.

3. Management should and must ensure that officers make it known to the public that racial violence and harassment will not be tolerated by law enforcement. Specifically, law enforcement authorities are encouraged to institute the following policies:

- a. Send police officers into the elementary and secondary schools for two purposes: first, to establish better relations and communication with students of all races and religions; and second, to communicate to all students that

racial or religious discrimination and violence are unacceptable and violations of the law will be prosecuted by the police.

- b. Send police officers to regularly meet with local community and civil rights organizations to establish a dialogue between the police and these organizations.

4. Training, at both the academy level and on an in-service basis, must emphasize human relations skills in a multi-ethnic environment. Cooperation from local community and civil rights organizations should be sought in providing such training. An officer at the management level should be responsible for such training.

5. Management must be committed to implement affirmative action at all levels, including management, to remedy underrepresentation of minority groups in law enforcement.

6. Management should and must propagate and enforce written policy that racial harassment within the ranks of law enforcement will not be tolerated and that perpetrators of such harassment will be identified and disciplined.

7. The District Attorney should appoint a management level attorney to monitor race-motivated crimes, and to bring charges for civil rights violations as well as criminal violations whenever appropriate.

8. The District Attorney should and must prosecute any crime motivated by race.

9. The issue of police-community relations and allegations of unnecessary force or brutality must be confronted by joint police and civilian review.

10. Law enforcement authorities should have on-going community meetings to explain preventative measures against racial violence and to alert residents on procedures for reporting incidents.

The following recommendations are taken from the Governor's Task force on Civil Rights and are adopted verbatim as the recommendations of this Commission.

11. Law enforcement agencies should:

- a. Develop community-based policing programs

especially designed to meet the needs of minority communities faced with racial, ethnic and religious violence;

- b. Maintain a fair and effective means to receive, investigate and resolve resident complaints about police practices to ensure accountability to the public and enhance communication between police and the community;
 - c. Share information with other public agencies and appropriate community organizations about potential threats of intergroup violence within their communities;
 - d. Develop internal procedures that ensure equal access to police services for all groups within a community, particularly in the area of racial, ethnic and religious conflict;
 - e. Establish community forums for ongoing police-community dialogue, inviting participation by all levels of law enforcement personnel and all segments of the community;
 - f. Together with religious organizations, establish clergy-police referral systems, and maintain a pool of clergy trained to respond to certain police requests in order to attempt informal resolution of disputes; and
 - g. Create a code of ethics regarding the release and use of information to the media on the racial, ethnic or religious backgrounds of suspects and victims.
12. Mandatory training, certified by Peace Officers Standards and Training (POST), should be further developed in the areas of cultural awareness and human relations and included in all academies and in-service training programs for law enforcement personnel at all levels.
13. City Councils, Boards of Supervisors, Mayors and other responsible officials should ensure that:
- a. A citizen review board be created to investigate, independently and openly, citizen charges of racial, ethnic or religious abuse by

police.

- b. Police programs described in 11. a.-g. above receive routine reinforcement and sufficient funding to ensure the success of these programs;
- c. The personnel policies and practices of law enforcement reflect a sensitivity to ethnic and cultural differences and an emphasis on non-force police methods; and
- d. Law enforcement agencies develop policies ensuring police personnel assignment are based upon sensitivity to unique community needs rather than solely on seniority.

14. We also adopt the recommendation of the U.S. Commission on Civil Rights^{3/} that the criminal justice system, especially police departments and the Sheriff's Department, should intensify efforts to insure that staff who confront incidents of racial and religious terrorism are broadly representative of the racial, ethnic and religious makeup of the communities they serve.

E. Schools

Findings

1. Schools are not immune from the negative impact of racial discrimination and violence in the broader community.

2. Evidence establishing the existence of racial discrimination and tensions at local schools and community colleges was presented to the Commission.

3. Several witnesses reported discriminatory promotional practices for administrative positions by the Oceanside School District.

^{3/} Ibid.

Recommendations

1. A battle to overcome racism in this society is a battle for the children, our future. Each school board in San Diego County should and must adopt aggressive, affirmative measures to resolve racial problems in the schools as soon as they are identified. The recommendations below give specific suggestions on how to accomplish this task.

2. A strategy to curtail racism should begin with the school curriculum. We concur with the U.S. Commission on Civil Rights' recommendation^{4/} that parents, educators, leaders of religious institutions and other opinion-makers should work together to develop educational programs designed to produce cognitive and emotional change with respect to racism and anti-Semitism. We encourage school districts to utilize the National Education Association's curriculum about the Klan.

3. The ethnic diversity of the community should and must be valued, not ignored.

- a. At both elementary and secondary levels, school districts should implement human relations programs, which provide an opportunity for students to develop trust and appreciation for different cultural and value systems.
- b. All school districts should and must make every effort to hire and promote at all levels to ensure that the staff and administration is broadly representative of the racial and ethnic makeup of the communities that they service.
- c. The Oceanside School District should increase the number of minorities on its administrative staff and ensure that hiring for all available administrative positions is through an open and advertised method of selection.

4. School districts should and must provide services and training to resolve intergroup conflicts and violence.

- a. School districts should provide in-service training for faculty and staff on improving inter-group communications and on peacefully resolving intergroup conflict and violence.

^{4/} Ibid.

- b. School districts should develop peaceful resolution mechanisms to respond to threats of intergroup violence.
- c. School districts should provide guidance and counseling services which anticipate problems, and focus efforts on dispelling tensions before incidents occur.

F. Community Groups

Findings

1. Community residents define the moral climate of their neighborhoods. Community attitudes can be changed to stem racial violence.

2. Community groups play an important role in opposing racial violence and supporting victimized persons, but there is not a community-wide consensus against racial prejudice or violence.

3. There are many organizational resources within the community which can be utilized to curb racial tension.

Recommendations

Community and religious groups should actively solicit participation by all persons in the community to fight racism and racial violence. The Commission recommends the following actions:

- 1. Establish organizations to fight racism.
 - a. Establish on-going organizations which will work with residents, mediate disputes informally where possible, work with law enforcement and the schools to identify and reduce racial violence.
 - b. These organizations should include community councils to support the work of Human Rights Commissions. These councils should have broad representation, including community groups, clergy, educators, local officials, media and law enforcement agencies, to help develop a moral climate of concern and support in the community for victims of racial, ethnic and religious violence.

- c. Organizations and individuals should work with all racial and ethnic groups to encourage them to speak out against racism.
 - d. Organizations should unite in efforts sponsored by other community groups in other areas to strengthen their effectiveness.
2. Educate each other and the public on the problems of racism.
- a. Organize community and interfaith forums to educate residents on the problems of racism, violence and the need for neighbors to look out for each other.
 - b. Demand that the school board take steps to educate children about the dangers of racism and racial violence including the dangers organizations such as the Ku Klux Klan pose.
 - c. Organize speakers to educate students on problems of racism and racial violence.
 - d. Work with the media so that views opposing racist and violent ideology get time equal with that given to hate groups.
3. Become activists in fighting racism.
- a. Establish rewards for information leading to the arrest and conviction of perpetrators of racial violence.
 - b. Maintain a system for community patrols and watches if necessary.
 - c. Monitor Ku Klux Klan-type activities.
 - d. Call on political leaders on all levels of government to speak out against racism and violence.
 - e. Lobby for legislation which will fight racial violence. Some suggestions are listed in the recommendations following under legislation.

- f. Demand that law enforcement be sensitive to racially-motivated incidents, and that minority groups are represented in law enforcement agencies.
- g. Urge telephone companies to advertise their services in assisting victims of racial, ethnic or religious telephone harassment.

G. Legislation

Findings

1. Existing state and federal civil rights laws should be utilized against racial, religious, and ethnic violence and harassment and housing discrimination.

2. Legislation has been proposed which would more strictly prohibit acts of racial, ethnic, and religious violence and terror.

Recommendations

1. The Department of Fair Employment and Housing, the Attorney General, District Attorney, police and sheriffs' departments must vigorously enforce the Unruh Civil Rights Act (Civ. Code, §51) and the Ralph Civil Rights Act (Civ. Code, §52). Violations of one or both of these Acts are likely involved where there are acts of racial, ethnic, or religious violence or harassment.

2. State and local authorities should seek the assistance of federal enforcement agencies such as the Department of Justice when there is evidence of violence of federal civil rights laws.

3. Government and the community should support the passage and enforcement of laws against acts of racial, ethnic, and religious violence and terror. The Commission suggests the following measures as examples of necessary legislation.

- a. The Legislature should adopt legislation directing the Commission on Peace Officer Standards and Training (POST) to require all law enforcement agencies within its jurisdiction to provide training in the resolution of racial conflict and violence.

- b. The Legislature should adopt legislation directing the Department of Education to mandate curriculum designed to promote racial, ethnic, and religious harmony and understanding, and to provide students an accurate portrayal of hate groups such as the Ku Klux Klan and Nazis.
- c. The Legislature should adopt legislation directing local law enforcement agencies to monitor the activities of violent and racist groups such as the Ku Klux Klan and Nazis.
- d. The Legislature should adopt resolutions condemning racial, ethnic, and religious conflict and violence.
- e. As previously discussed, the Legislature should adopt legislation which makes cross-burning a felony rather than a misdemeanor.
- f. As previously discussed, the Legislature should adopt legislation requiring uniform guidelines for reporting crimes based on racial or religious motivations. A clearinghouse for such information should be developed. This will provide policy makers, government officials and the public with accurate information about the extent of the problem so that solutions can be devised.

AN/cj/rta

~~PROPOSED~~
Statement by John K. Van de Kamp
Attorney General of the State of California
RERMV Commission Meeting 6-18-84

*Saw
Version
to longer
6/12
cc Riggid*

Part of my job as Attorney General is to see that the laws are uniformly and adequately enforced. Those laws were created to help protect lives and property, and people have the right to expect that they will be enforced in the same way for every segment of our society.

Unfortunately, some parts of the community do not always receive the same degree of protection from these safeguards that others receive. I am referring to those who because of their race, national origin, religious beliefs, age, handicap or sexual orientation experience the anger, envy, hatred and hostility of bigotry.

Bigotry is not new to California. Recent incidents and studies make it clear, however, that we must look more closely at its nature and dynamics before we will be able to protect the victims of bigotry from its venomous effects.

Among those incidents and studies have been:

- ° A 1982 report of the Governor's Task Force on Civil Rights citing 469 incidents in California between 1979 and 1982 that reflected racial, ethnic or religious violence. The report concluded that racial, ethnic and religious violence is "a pervasive fact of life" in many California communities.
- ° A study of a single 90-day period in 1983 in Fresno County, San Jose and Oakland showing 22 incidents of violence -- robbery, assault, battery and vandalism -- motivated at least in part by prejudicial attitudes.
- ° The 1983 report of the Anti-Defamation League of B'nai B'rith identifying California as the number two state in the nation in the number of anti-Semitic incidents.

- ° A Vietnamese youth stabbed to death on his way home from high school last year in Davis, allegedly as the result of escalating hostility toward Asian refugees in that community.
- ° A cross burning in 1983 on the front lawn of a black family in Los Angeles by a group identifying itself as part of the Ku Klux Klan.
- ° Handbills distributed last year at a high school in Pacific Palisades advocating "death to race mixing."
- ° Findings last year by the state Fair Employment and Housing Commission that blacks and Hispanics in the northern part of San Diego County have recently been the targets of a number of attacks by the Ku Klux Klan. The commission noted that the Klan appears to be active throughout San Diego County.

It should be clear from these reports and incidents that the measures now in place to protect people from bigotry and prejudice are simply not doing the job for everyone entitled to such protection. I believe that we can do better -- and that because we can do better, we must do better.

But before we can do better, we must first try to find out why our current policies and practices are not working. We must learn all that we can -- of the lawbreakers, their victims and the circumstances and conditions surrounding these acts of lawlessness -- so that we can take the steps needed to prevent such acts from damaging and destroying people's lives.

To this purpose I have created a commission composed of representatives from racial, ethnic, religious and minority communities throughout the state. It is called the Attorney General's Commission on Racial, Ethnic, Religious and Minority

Violence, and its purpose is to develop a plan that will help keep bigotry from contaminating the lives of innocent people and infecting the day-to-day activities of our communities.

I have asked commission members to bring to this undertaking all they know about the ways that groups as well as individuals have suffered from these acts of violence and lawlessness, so that together we might forge a new understanding of how to rid our neighborhoods, towns and cities of this heinous blight. I have charged them with the task of studying this epidemic of intolerance, so that we can eliminate this cancer on our society. I have asked them to work together for the next two years, and at the end of that time to bring^{to} me a set of recommendations on how we in the law enforcement community, working in concert with the Legislature and other state and local policymakers, will be able to safeguard all the members of all our community groups from the harm that bigotry and prejudice can do.

SUGGESTED RERMV SUBCOMMITTEES

Law Enforcement and RERMV Crimes

Special Problems of Recent Immigrants

Educational Needs

Privacy and Respect for Individuals

Community Relations

Schools

Undocumented Workers

OTHERS - YOUR SUGGESTIONS

PLEASE INDICATE COMMITTEE(S) YOU WOULD LIKE TO SERVE ON

Return to: Marty Mercado, Chief
Office of Community and Consumer Affairs
Office of the Attorney General
1515 K Street
Sacramento, Ca 95814

CHAVEZ & ASSOCIATES INSTITUTE

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June 8, 1984

Mrs. Marty Mercado
Chief, Community and Consumer Affairs
State Department of Justice
1515 K Street Suite 511
Sacramento, California 95814

Dear Mrs. Mercado:

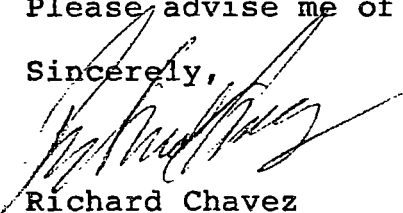
Thank you for notifying me about the RERMV Commission meeting on June 18. Unfortunately, I will not be able to attend. I would very much appreciate your presentation of the following issues for future discussion on my behalf:

- Criminals who perpetrate crimes of violence upon disabled persons should have more severe sentences because of the inability of the disabled person to escape or defend oneself from such attack (i.e., visually impaired).
- Law enforcement agencies as part of their training curriculums to new officers should provide information as to the varying disabilities so as to not confuse a physical condition as a furtive gesture or intoxicated condition (cerebral palsy, deaf, and diabetics).

The Commission in its deliberations of a wide range of criminal justice issues should consider the concerns raised in this letter in the interest of disabled citizens who are vulnerable as victims of violent crimes.

Please advise me of the next scheduled meeting. Thank you.

Sincerely,


Richard Chavez
Executive Director

RC:mp

*cc all
Commissioners*